

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

DARRIN ILLGES and
SAMANTHA MOUNTFORD,

Plaintiffs,

v.

FCA US, LLC and LTD, INC.,

Defendant.

Case No. _____

DEFENDANTS' NOTICE OF REMOVAL

Defendants, FCA US LLC and LTD, Inc., by their attorneys, Anthony M. Conti, Kyle S. Kushner, and the law firm CONTI FENN & LAWRENCE PLLC, and pursuant to 28 U.S.C. §§ 1331, 1441, 1446, and Federal Rule of Civil Procedure 81, hereby remove to this Court an action pending in the Circuit Court for the County of Prince William, Virginia captioned *Darrin Illges and Samantha Mountford v. FCA US, LLC and LTD, Inc.*, Case No. 153CL19002621-00 (the “State Action”), and in support thereof set forth the following short and plain statement of grounds for removal:

1. On March 29, 2019, Plaintiffs Darrin Illges and Samantha Mountford filed the Complaint that initiated the State Action. *See* Compl. at 1, attached as **Exhibit 1**. The Complaint names FCA US LLC and LTD, Inc. as defendants. Plaintiffs served LTD, Inc. with the Complaint on April 3, 2019, and Plaintiffs served FCA US LLC with the Complaint on April 4, 2019.

2. The Complaint seeks relief arising from the purchase and use of a motor vehicle distributed by Defendant FCA US LLC, including rescission of a sales contract in the amount of

\$75,459.72, compensatory damages in the amount of \$75,000.00, and treble damages in the amount of \$225,000.00. *See* Compl. at 2, 9, 10, attached as **Exhibit 1**.

3. Counts I, II, and III of the Complaint arise under the Magnuson-Moss Warranty-Federal Trade Commission Act of 1975 (the “Magnuson-Moss Warranty Act”), 15 U.S.C. § 2301 *et seq.* *See* Compl. ¶¶ 31-63, attached as **Exhibit 1**. The Magnuson-Moss Warranty Act confers original jurisdiction to the district courts where the amount in controversy meets or exceeds \$50,000.00. *See* 15 U.S.C. § 2310(d)(3)(B).

4. The Complaint states an amount in controversy of at least \$375,459.72, which exceeds the \$50,000.00 threshold for this Court to exercise federal question jurisdiction pursuant to 28 U.S.C. §§ 1331, 1441, and 15 U.S.C. § 2310(d)(3)(B).

5. All process, pleadings, and orders served upon Defendants in the State Action are attached as follows: (1) Complaint, attached as **Exhibit 1**; (2) Summons served on FCA US LLC, attached as **Exhibit 2**; (3) Summons served on LTD, Inc., attached as **Exhibit 3**; (4) Answer of FCA US LLC, attached as **Exhibit 4**; (5) Motion Craving Oyer of LTD, Inc., attached as **Exhibit 5**; and (6) Motion to Compel Arbitration, attached as **Exhibit 6**.

6. Unanimity is satisfied, as each defendant – FCA US LLC and LTD, Inc. – consents to removal of this matter.

7. With the requirements of 28 U.S.C. §§ 1331, 1441, and 1446 met, Defendants respectfully request that the State Action be removed to this Court.

WHEREFORE, Defendants respectfully request that the State Action be removed to this Court.

Respectfully submitted,

/s/
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*Attorneys for Defendants FCA US LLC and
LTD, Inc.*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of May 2019, a copy of the Defendants' Notice of Removal was sent via first-class mail, postage prepaid to:

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